

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Nicholas Scott Harris**

**Docket No. 4:10-CR-42-2BO**

**Petition for Action on Supervised Release**

COMES NOW Melissa K. Gonigam, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Nicholas Scott Harris, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possession with Intent to Distribute a Quantity of Cocaine, in violation of 21 U.S.C. § 846, and Possession of a Firearm in Furtherance of a Drug Trafficking Crime, in violation of 18 U.S.C. § 924(c)(1)(A), was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on November 10, 2010, to the custody of the Bureau of Prisons for a term of 75 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 5 years.

On November 3, 2014, pursuant to 18 U.S.C. § 3582(c)(2) of the Federal Rules of Criminal Procedure, the defendant's sentence of imprisonment in Count 1 was reduced to 13 months, for a total of 73 months imprisonment.

Nicholas Scott Harris was released from custody on October 30, 2015, at which time the term of supervised release commenced.

On July 24, 2017, a Violation Report was submitted to the court advising that on July 7, 2017, Harris was charged with Driving While License Revoked (17CR707860) in Pitt County, North Carolina. This charge remains pending in Pitt County District Court, with a court date of April 4, 2018.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

On February 2, 2018, the defendant was issued a citation in Pitt County, North Carolina, for the offense of Driving While License Revoked (18CR701241). He was also issued a citation for No Operator's License and Expired/No Inspection (17CR2526) in Pitt County, North Carolina on December 10, 2017. These charges remain pending in Pitt County District Court, with court dates of March 13, 2018 and March 21, 2018, respectively. The defendant notified the undersigned probation officer of this violation conduct and admitted to driving without a valid license. As a sanction for this conduct, 60 days of curfew with electronic monitoring and a driving restriction are recommended.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 60 consecutive days. The defendant is restricted to residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
2. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his/her privilege to do so is restored in accordance with law.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Dwayne K. Benfield  
Dwayne K. Benfield  
Supervising U.S. Probation Officer

/s/ Melissa K. Gonigam  
Melissa K. Gonigam  
U.S. Probation Officer  
201 South Evans Street, Rm 214  
Greenville, NC 27858-1137  
Phone: (252) 830-2345  
Executed On: February 22, 2018

**ORDER OF THE COURT**

Considered and ordered this 23 day of February, 2018, and ordered filed and  
made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge